

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

UNITED STATES OF AMERICA and  
STATE OF MICHIGAN,

*Plaintiffs,*

v.

HILLSDALE COMMUNITY HEALTH  
CENTER,  
W.A. FOOTE MEMORIAL HOSPITAL,  
D/B/A ALLEGIANCE HEALTH,  
COMMUNITY HEALTH CENTER OF  
BRANCH COUNTY, and  
PROMEDICA HEALTH SYSTEM, INC.,

*Defendants.*

Case No.: 2:15-cv-12311  
Hon. Judith E. Levy

**UNITED STATES' EXPLANATION OF  
CONSENT DECREE PROCEDURES**

Plaintiff United States of America submits this short memorandum summarizing the procedures for entry of the proposed Final Judgment as set forth by the Antitrust Procedures and Penalties Act, 15 U.S.C. §§ 16(b)-(h) (the “APPA”), which applies in civil antitrust cases brought by the United States. As described below, the APPA provides that certain events must occur prior to the Court signing and entering the proposed Final Judgment to resolve this case.

1. Today, the United States and the State of Michigan (collectively, “Plaintiffs”) have filed a Complaint, proposed Final Judgment, Competitive Impact Statement, and Stipulation and Order between Plaintiffs and Defendants Hillsdale Community Health Center (“Hillsdale”), Community Health Center of Branch County (“Branch”), and ProMedica Health System, Inc. (“ProMedica”).

2. Only Hillsdale, Branch, and ProMedica (collectively, “Settling Defendants”) have reached a settlement with Plaintiffs. Defendant W.A. Foote Memorial Hospital, d/b/a Allegiance Health (“Allegiance”), is not a party to the proposed Final Judgment, and Plaintiffs will proceed to litigate against Allegiance.

3. The Stipulation and Order contains the United States and Settling Defendants’ agreement that, after compliance with the APPA, the Court may enter the proposed Final Judgment. The APPA requires that the United States publish the proposed Final Judgment and the Competitive Impact Statement in the *Federal Register* and cause to be published a summary of the terms of the proposed Final Judgment and the Competitive Impact Statement in certain newspapers at least sixty days prior to entry of the proposed Final Judgment. Settling Defendants in this case have agreed to arrange and bear the costs for the newspaper notices. The notices will inform members of the public that they may submit comments about the proposed Final Judgment to the United States Department of Justice, Antitrust Division (*see* 15 U.S.C. §§ 16(b)-(c)).

4. The United States will consider and respond to any comments that it receives before the end of the sixty-day period. The United States will publish its responses to the comments in the *Federal Register* and publish the comments in the *Federal Register* or through an alternative publication method authorized by the Court.

5. After the expiration of the sixty-day period, the United States will file with the Court the comments and its responses, and it may ask the Court to enter the proposed Final Judgment (unless the United States has decided to withdraw its consent to entry of the Final Judgment, as permitted by Section 2 of the Stipulation and Order (*see* 15 U.S.C. § 16(d))).

6. If the United States requests that the Court enter the proposed Final Judgment after compliance with the APPA, 15 U.S.C. §§ 16(e)-(f), then the Court may enter the Final Judgment without a hearing, provided that the Court concludes that the Final Judgment is in the public interest.

Dated: June 25, 2015

Respectfully submitted,

FOR PLAINTIFF UNITED STATES OF AMERICA:

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## **CERTIFICATE OF SERVICE**

I hereby certify that on June 25, 2015, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system and sent it via email to the following counsel at the email addresses below.

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